

Caregivers in Court: Notice and Engagement

SUPREME COURT OF TEXAS CHILDREN'S COMMISSION

SEPTEMBER 28, 2026



Statutory Basis:

Texas Family Code § 263.0021

- Requires notice of hearings to caregivers, foster parents, and preadoptive parents
- Notice must include a statement that the caregiver may, but is not required to, attend the hearing and may request to be heard at the hearing
- At the hearing, the court shall determine whether the child's caregiver is present at the hearing and allow the caregiver to testify if they wish.
- Tex. Fam. Code § 263.0021(b), (f)
- *See also* DFPS Policy [5534](#)

Federal Law: 42 U.S.C. § 675(5)(G)

- Notice and right to be heard
- No requirement to be a party

Who Must Receive Notice?

- DFPS
- Foster parents, preadoptive parents, or relatives providing care
- Each parent of the child
- Managing Conservator or guardian of child
- Attorney ad litem, guardian ad litem, CASA, or volunteer advocate
- The child (if age 10 or older or as deemed appropriate)



Methods and Timing of Notice

- Notice must be given at least 10 days before the hearing
- May be served as provided by Rule 21a, Texas Rules of Civil Procedure
- May be given in a temporary order following a full adversary hearing
- May be given in an order following a hearing under Chapter 263
- May be delivered in court or through any means providing actual notice
- Licensed child-placing agencies must also receive notice for post-final order hearings

What the Notice Must Include?

- Clear statement that the caregiver may, but is not required to, attend
- Statement that the caregiver may request to be heard
- Section 263.0021(b) requires that notice be given to all persons entitled to notice of a hearing under Chapter 263 and that they have a right to be heard. While the statute does not explicitly list “date, time, location,” those elements are treated as essential in practice under DFPS policy.
 - See DFPS Policy [5234](#) (A notice about a hearing includes the date, time, and location of the specific hearing)

What Hearings Require the Notice?

- All hearings under Chapter 263 to include:
 - The Status Hearing – Tex. Fam. Code § 263.201
 - The Initial Permanency Hearing - § 263.304
 - Subsequent Permanency Hearings § 263.305
 - For good cause shown or on the court's own motion, the court may order more frequent hearings.
 - Permanency Hearings Before Final Order - § 263.306
 - Trial on the Merits – Tex. Fam. Code § § 263.304(b), 263.401
 - Permanency Hearings After Final Order - Tex. Fam. Code § § 263.501(c), 263.5031(a)(2)

Caregiver Engagement in Practice

- BENCH
- BAR
- CAREGIVER



Workgroup Resources

- JUDICIAL CAREGIVER NOTICE & ENGAGEMENT BENCH CARD

Prompts for judges before and during the hearing

Caregiver Notice

COURT INFORMATION & TIPS FOR CAREGIVERS

This checklist was made for **caregivers of children** involved in child welfare. This includes **foster parents, pre-adoptive parents, kinship caregivers, group home or residential care staff.**

- ☐ Child(ren) Name(s) and Age(s): _____
- ☐ Cause Number: _____
- ☐ Court Name & Address: _____
- ☐ Next Hearing (Date & Time): _____
- ☐ Date Child Entered Temporary Managing Conservatorship (TMC): _____
- ☐ Date Child Entered Permanent Managing Conservatorship (PMC): _____
- ☐ Dismissal Date: _____

Key Contacts

- ☐ Child's Attorney Ad Litem (Name & Contact): _____
- ☐ CASA / Guardian Ad Litem (if applicable): _____
- ☐ Caseworker (Name & Contact): _____
- ☐ Caseworker Supervisor (Name & Contact): _____
- ☐ Additional Caseworker (Ex: Kinship or Licensing Agency): _____
- ☐ Additional Contacts: _____

Resources

The Family Helpline: tlsc.org/family (844) 888-6565

Texas Children's Commission texaschildrenscommission.gov

Understanding the Roles in a CPS Case texascasa.org

Notes:

WHO THIS APPLIES TO

- ☐ Caregivers include:
- Foster parents
 - Pre-adoptive parents
 - Kinship caregivers
 - Group home or residential care staff

COURT INFORMATION & TIPS FOR CAREGIVERS

WHAT TO EXPECT BEFORE COURT

- ☐ You should receive at least 10 days' notice of hearings from the caseworker.
- ☐ Notice may come by phone, letter, or in person.
- ☐ If you're unsure of the next hearing date, ask the caseworker.

WHAT TO WEAR

- ☐ The dress code for court is usually business casual such as:
 - a collared shirt and pants for men; and
 - a blouse and pants/knee-length skirt or dress for women.
- ☐ Ask the caseworker or child's attorney if you have questions.

WHAT TO DISCUSS WITH THE CASEWORKER OR CHILD'S ATTORNEY

- ☐ How the child is doing.
- ☐ The child's needs (therapy, services).
- ☐ Your needs as a caregiver (childcare, transportation, support).
- ☐ Ask about how to keep your information confidential, if that is a concern.
- ☐ The Court's expectations for the child's attendance at hearings.
- ☐ If you have a need for an interpreter to attend the hearing.

WHAT TO EXPECT AT COURT

- ☐ Hearings may not start right away—you may wait for your case to be called.
- ☐ Share any concerns about your safety and the need for confidentiality.
- ☐ Check in with the child's attorney when you arrive.
- ☐ Attendance is optional unless you receive a subpoena.
- ☐ You have the right to be heard and share information about the child.

VIRTUAL (ZOOM) HEARINGS

- ☐ Some courts offer virtual attendance.
- ☐ Ask for a Zoom link from the caseworker or the child's attorney.
- ☐ Tips for Zoom:
 - Join from a quiet, private place. Be aware of children listening and what they may overhear.
 - Keep your camera on.
 - Mute when not speaking.
 - You may label yourself on Zoom as "foster parent" or "caregiver."
 - Let the court know if the child is present.

IF YOU ARE ASKED TO SPEAK

- ☐ You may be sworn in before speaking.
- ☐ Answer only the questions asked.
- ☐ Share what you have personally seen or experienced.
- ☐ Pause if there is an objection and follow the judge's instructions.
 - "Sustained" means that the judge agrees with the objection.
 - "Overruled" means the judge does not agree with the objection.



Questions?



Thank You!

Questions related to MCLE self reporting may be sent to
cctraining@txcourts.gov

